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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOHN PRIDGEN,

Plaintiff(s),

v.

JOHN DOES,

Defendant(s).

2:12-CV-1460 JCM (GWF)

ORDER

Presently before the court is Magistrate Judge Foley's report and recommendation dismissing plaintiff John Pridgen's complaint without prejudice. (Doc. # 3). No objections to the report and recommendation have been filed.¹

This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a de novo determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1).

Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate

¹ The court notes that the report and recommendation was returned twice to the court as "undeliverable" when mailed to plaintiff. (Docs. # 4 & # 5). The report and recommendation was sent to the only address the court has on file for plaintiff. It is a party's responsibility to keep the court apprised of his/her current address.

1 judge's report and recommendation where no objections have been filed. *See United States v.*
2 *Reyna-Tapia*, 328 F.3d 1114 (9th Cir.2003) (disregarding the standard of review employed by the
3 district court when reviewing a report and recommendation to which no objections were made); *see*
4 *also Schmidt v. Johnstone*, 263 F.Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's
5 decision in *Reyna-Tapia* as adopting the view that district courts are not required to review "any
6 issue that is not the subject of an objection."). Thus, if there is no objection to a magistrate judge's
7 recommendation, then this court may accept the recommendation without review. *See e.g.*,
8 *Johnstone*, 263 F.Supp.2d at 1226 (accepting, without review, a magistrate judge's recommendation
9 to which no objection was filed).


10 Nevertheless, this court finds it appropriate to engage in a de novo review to determine
11 whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation
12 and plaintiff's failure to pay the filing fee as ordered, this court finds good cause to adopt the
13 magistrate's findings in full.

14 Accordingly,

15 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and
16 recommendation of Magistrate Judge Foley dismissing plaintiff John Pridgen's complaint without
17 prejudice (doc. # 3) be, and the same hereby is, ADOPTED in its entirety.

18 IT IS FURTHER ORDERED that the plaintiff's complaint (doc. # 1-1) be, and the same
19 hereby is, DISMISSED without prejudice.

20 DATED November 29, 2012.

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23 **UNITED STATES DISTRICT JUDGE**